

EXAMINER'S COMMENT

Drawings

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

1. The drawings changes proposed received on 3/29/2010 are acceptable to the examiner.
2. The drawings are objected to because of the following minor informalities:
 - Applicant should use consistent numbering such as 2A, 2B, etc., or if need be 2A-1, 2A-2 as specified CFR 1.84(u)(I). Applicant's numbering of 2-1, 2-2, 2A', 3A3' is not appropriate.
 - Figures 2C1, 12A, 12B, 12C and 13A-13E are also of insufficient quality and should be presented clearly when formal drawings are submitted.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed

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of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

REASONS FOR ALLOWANCE

Allowable Subject Matter

4. Claims 31-32, 34-38, 40, 42-43, 45, 48-52, 54, 56-57, 59-62 were filed 9/21/2009, amended by an Examiner's Amendment on 12/28/2009 and are not believed to have been further amended in any way per the RCE filed 3/29/2010. Therefore the same claims are allowable for the same reasons as specified on 12/28/2009.

5. The following is an examiner's statement of reasons for allowance:

Stern (US6591247) and Durst, Jr. et al (US6542933) represent the closest prior art. Of particular note, Stern teaches networked, in-store kiosks that deliver product information and advertisements when UPC-indexed product codes are scanned by users, as well as a central server to deliver such content. Of particular note, Durst, Jr. et al teaches a consumer scanning a barcode (UPC) at a kiosk in order to request delivery of more information on that identified/indexed product. However, neither nor the combination teach the details of applicant's independent claims 31 or 45, which each require at least the features of:

- the first subsystem, allowing creation and management of CPI link structures (e.g. URLs)

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- second subsystem allowing creation and deployment of MMVKs which include a server side component and a MMVK tag that references the component and is embedded in an HTML page
- a GUI of independently programmable display modes including a plurality from: advertising display mode, promotional display mode and brand information network (BIN) menu display mode
- a plurality of server storing the mode content subsystem that allows independent programming of the set of brand information resources displayable during the BIN menu display mode
- third subsystem allowing independent programming of the advertising and promotion modes
- a browser to process the embedded MMVK tag
- server to automatically execute the server side component
- server configured to invite and allow consumer review and interaction with the advertising, promotions and brand information resources displayed within the GUI of the MMVK

Further, claim 31 includes a feature of the MMVK configured to automatically playing through the claimed display modes, while claim 45 further includes a facility to measure consumer interaction and to generate reports thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc